

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WOLVERINE WORLD WIDE, INC.,

Plaintiff,

v.

THE AMERICAN INSURANCE COMPANY, et
al.,

Defendants.

Case No. 1:19-cv-00010-JTN-SJB

Honorable Hala Y. Jarbou
Mag. Judge Sally J. Berens

**JOINT MOTION TO VACATE THE SPECIAL MASTER’S ORDER
COMPELLING THE DEPOSITION TESTIMONY OF TRAVELERS’
MICHAEL UNGARO (ECF NO. 2257)**

Plaintiff Wolverine World Wide, Inc. (“Wolverine”) and Defendant The Travelers Indemnity Company (“Travelers”) (together the “Parties”) jointly move the Court to vacate the Special Master’s December 1, 2023 order compelling the deposition testimony of Travelers’ Michael Ungaro, ECF No. 2257 (“Ungaro Order”).

The previously appointed Special Master entered the Ungaro Order on December 1, 2024, granting Wolverine’s Motion to Compel Travelers’ in-house counsel, Michael Ungaro, ECF No. 2201. ECF No. 2257. Although Mr. Ungaro was deposed, Travelers’ timely objected to the Ungaro Order, including findings and conclusions relating to the assertion of attorney-client privilege and work product and information ultimately disclosed by Travelers and Mr. Ungaro over objection. ECF No. 2294. Wolverine responded to Travelers’ objections. ECF No. 2309.

As the Court is aware, through the intensive mediation efforts of the Honorable Gerald E. Rosen (Ret.) the Parties have reached a confidential settlement agreement that resolves the claims at issue in this case. In conjunction with this settlement, and with the full endorsement of Judge

Rosen, the Parties file this motion to vacate the Ungaro Order, as Travelers and Wolverine agree that good cause exists for the Court to vacate the Ungaro Order (ECF No. 2257).

WHEREFORE, the Parties respectfully request that the Court vacate the Ungaro Order (ECF No. 2257) and that all pending briefing related to the Objection concerning the Ungaro Order be rendered moot, including ECF No. 2294 and ECF No. 2309.

Dated: July 30, 2024

Respectfully submitted,

s/ Kevin Dreher (with permission)

Kevin Dreher
BARNES & THORNBURG LLP
One North Wacker Drive, Suite 4400
Chicago, IL 60606
(312) 214-8308
Kdreher@btlaw.com
Attorney for Plaintiff, Wolverine World Wide, Inc.

s/ Patrick E. Winters

Charles W. Browning
Patrick E. Winters
Drew L. Block
PLUNKETT COONEY
38505 Woodward Avenue, Suite 100
Bloomfield Hills, MI 48304
(248) 901-4000
(248) 901-4040 (Fax)
cbrowning@plunkettcooney.com
pwinters@plunkettcooney.com
dblock@plunkettcooney.com

s/ Andy T. Frankel

Andy T. Frankel
SIMPSON THACHER & BARTLETT LLP
425 Lexington Avenue
New York, NY 10017
(212) 455-2000
(212) 455-2502 (Fax)
afrankel@stblaw.com
Attorneys for Defendant, The Travelers Indemnity Company

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CERTIFICATE OF SERVICE

I do hereby certify that on the 30th day of July, 2024, I served the foregoing document and this Certificate of Service to all Counsel of Record with the Clerk of the Court using the electronic court filing system, which will send notification of such filing to all Counsel of Record.

s/ Patrick E. Winters
Patrick E. Winters
PLUNKETT COONEY